

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

STARSTONE NATIONAL)
INSURANCE COMPANY and)
ARCH SPECIALTY INSURANCE)
COMPANY,)

Plaintiffs,)

v.)

Case No. 1:20-04398-JPB

WALDROP PARK CONDOMINIUM)
ASSOCIATION, INC., ARDENT)
RESIDENTIAL, LLC, CURTIS)
GILSTRAP AND JESSICA)
GILSTRAP,)

Defendants.)

**PLAINTIFF ARCH SPECIALTY INSURANCE COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

Plaintiff Arch Specialty Insurance Company ("Arch"), pursuant to Rule 56, moves the Court for entry of summary judgment in its favor and declaring that Arch has no obligation to defend or indemnify Defendant Waldrop Park Condominium Associations, Inc. ("Waldrop Park") and Defendant Ardent Residential, LLC ("Ardent") from the claims asserted against them in the underlying action filed by Defendants Curtis and Jessica Gilstrap because they breached the notice condition of the commercial general liability insurance policy issued by Arch by failing to

provide notice of the shooting of Curtis Gilstrap until over seventeen (17) months after it happened and forfeited coverage under the policy.

In the alternative, if the Court determines that Waldrop Park and Ardent did not breach the notice condition of the policy as a matter of law, then Arch moves the Court for entry of partial summary judgment by declaring that the policy does not provide coverage for the claim for punitive damages asserted in the lawsuit filed against Waldrop Park and Ardent because the policy specifically excludes coverage for punitive damages.

Respectfully submitted this 29th day of March, 2022.

HALL BOOTH SMITH, P.C.

/s/Thomas K. Wingfield

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing upon all parties to this matter via the CM/ECF (Pacer) system which will automatically send email notification of such filing to the following attorneys of record:

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Respectfully submitted, this 29th day of March, 2022.

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